

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy E. Levstik on 12/30/2009. The application has been amended as follows:

In Claim 1:

The clause "Z = C2-C25 alkylidene, C5-C25 cycloalkylidene, C6-C24 arylene and also" should be replaced by "Z = C2-C25 alkylidene, C5-C25 cycloalkylidene, C6-C24 arylene or" (see page 3, line 4);

The clause "R5 and R6 = H, CH2OH, C1-C4 alkyl, C6H5," should be replaced by "R5 and R6 = H, CH2OH, C1-C4 alkyl, C6H5 or" (see page 3, line 6);

The clause "R8 = H, CH3, C2H5, C6H5" should be replaced by "R8 = H, CH3, C2H5 or C6H5" (see page 3, line 9);

In claim 4:

The clause "and R1, R2, R3, and R4 possess the above definition" (see page 4, last line should be replaced by:

R₁, R₂ and R₃ independently of one another are H, C₁-C₂₀ alkyl, C₅-C₈ cycloalkyl, C₆-C₁₀ aryl or alkylaryl with C₁-C₄ alkyl and C₆-C₁₀ aryl groups;
R₄ = H, or C₁-C₆ alkyl (idene).

In claim 5:

The clause "reaction is carried out in the presence of an organic solvent, especially toluene" should be replaced by "reaction is carried out in the presence of an organic solvent."

Claims 4-5 previously withdrawn from consideration as a result of a restriction requirement, require all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among inventions I and II as set forth in the Office action mailed on 6/08/2009 is hereby withdrawn** and claims 4-5 hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Upon analysis pursuant to 37 CFR 1.104, previously withdrawn Claims 4-5 are deemed to be allowable over prior art of Record. Claims 6-11 are cancelled.

The following is an examiner's statement of reasons for allowance:

In a response on 9/28/2009 Applicant submits that dehydration of cyclic alcohols is not applicable for azetidines. In fact, instead of forming double bond, azetidines

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undergo a polymerization reaction. This statement is supported by a citation of "Handbook of Polymer Synthesis", part A, page 768.

Therefore, the claimed structure is not achievable in Swarup's (US 5276166) disclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY LISTVOYB whose telephone number is (571)272-6105. The examiner can normally be reached on 10am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796
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